

Appln. No.: 10/796,227
Amdt. dated July 28, 2005
Reply to Office action of April 28, 2005

REMARKS

Reconsideration of this application in view of the following remarks is respectfully requested.

Applicant respectfully traverses the rejections of claims 1 and 11 as being obvious over Carre et al in view of Scott. As detailed in the response to the last Office Action, the outer disc of Carre appears to be bolted to the wheel hub and thus axially fixed to the wheel hub, whereas the inner disc 1a slides. As also pointed out, Carre uses this structure in connection with a sliding caliper, such that the caliper moves relative to the fixed outer disc 1b.

The examiner proposes to substitute the fixed second disc 1b of Carre with a sliding disc, such that both discs are slideable based on the secondary Scott reference which shows dual sliding discs. The motivation given for making the combination is to prevent uneven wear and stress throughout the friction surfaces. However, there is nothing in the primary Carre reference that would indicate that uneven wear and stress throughout the friction surfaces arises in connection with the fixed disc. It is further unclear how the Carre brake system would function if the outer disc 1b were slideable rather than axially fixed, since the inner disc 1a appears to slide at least in part on structure of the fixed outer disc, and the two disc being secured to the hub by way of a bolt that would appear to pin the outer disc 1b against axial movement relative to the hub. Moreover, even if the outer disc 1b were slideable, it is unclear if or how the slideable caliper structure would work if both discs were slideable, and there is no teaching or suggestion in either reference that would direct one skilled in the art to consider reconfiguring the structure and action of the inner and outer brake discs without knowing what effect it would have on the operation of the sliding caliper and the other features important to the operation of Carre. It is respectfully submitted, therefore, that the rejection of claims 1 and 11 over Carre in view of Scott is improper for lack of sufficient teachings or suggestion in the art to combine the references in the manner suggested, and it is respectfully requested that the examiner reconsider and withdraw the rejection of claims 1 and 11.

Claims 1 and 11 were further rejected over Tamasho in view of Scott. Tamasho discloses a single axially fixed disc. The examiner proposes to replace this single disc

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with dual sliding discs of Scott. The motivation given is to create more braking surface area and increase the braking force exerted. However, the primary Tamasho reference describes in great detail a microprocessor based sensor system that precisely detects and controls the operation of the actuator and movement of the brake pads into and out of engagement with the single disc rotor 7. It is unclear, at best, whether this control system could be utilized or would be functional in an entirely different environment in which the brake disc goes from one to two in number and from fixed to sliding, and in which the brake pads go from two to three in number and at least two of which are slideable on the caliper body, completely unlike that of the primary Tamasho disc or pads. It is respectfully submitted that the rejection is based on improper hindsight taken from applicants' own disclosure and that the requisite teaching or suggestion to combine the references in a manner to arrive at the claimed invention is lacking in the cited prior art. It is respectfully requested, therefore, that the examiner reconsider and withdraw the rejection of claims 1 and 11 over Tamasho in view of Scott.

It is believed that this application now is in condition for allowance. Further and favorable action is requested.

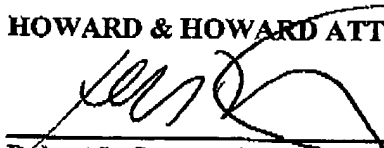
The Patent Office is authorized to charge or refund any fee deficiency or excess to Deposit Account No. 08-2789.

Respectfully submitted,

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Date


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CERTIFICATE OF MAILING

I hereby certify that this Amendment for U.S. Serial No.: 10/796,227 filed March 9, 2004 is being sent via facsimile 571-273-8300 to the Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450 on July 28, 2005.


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